

BEFORE THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD
Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:)	
)	Case No <u>2007 IECDB O6</u>
)	
ROBERT MARQUESEE,)	
In His Capacity as the Candidate for the)	PROPOSED DECISION and
Marqusee for Supervisor,)	
RESPONDENT)	ORDER OF THE PRESIDING
)	OFFICER

A hearing was held on July 1, 2008. The Board's legal counsel, Charles Smithson, the Respondent, Robert Marqusee, and the Respondent's attorney, Joel Vos were present by telephone. The hearing was to determine if the Respondent violated Iowa Code Section 68A.402 by failing to file his January 7, 2007 campaign financial disclosure report.

It should be noted that the undersigned hearing officer on September 20, 2007 had entered a Default Decision and Order, by which a scheduled civil penalty of \$100 pursuant to Board Rule 351-4.59.2 was imposed. The Default Decision also included a civil penalty of \$500 pursuant to Iowa code Section 68B.32D (1) (h), and for costs in the amount of \$60.00. A Letter of Reprimand was also ordered.

It also should be noted that the undersigned hearing officer on May 27, 2008 entered an Order vacating the September 20, 2007 Default Decision.

Therefore the hearing on this date shall be on the original Statement of Charges dated August 2, 2007. The parties and counsel agreed to proceed informally. The Respondent admitted that there was, in fact, a violation of Iowa Code Section 68A.402, but requested that extenuating circumstances warranted elimination or reduction of the scheduled civil penalty of \$100. Without here going into detail the Respondent reviewed

the personal upheaval in his life in explanation for the serious lateness of his required report. It is noted that there was no significant activity during the reporting period. The committee has been dissolved.

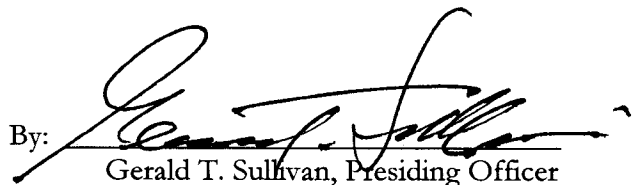
Based on the evidence presented and the discussion at the hearing, the undersigned makes the following findings:

1. Respondent violated Iowa Code Sections 68A.402 and 68B.32A(7) as alleged in the Allegations of the original Statement of Charges.
2. The report required has been filed.
3. Respondent experienced highly unusual circumstances before and after the required date of filing and has expressed genuine remorse for the late filing.

It is therefore ORDERED PENDING FINAL APPROVAL BY THE Iowa Ethics and Campaign Disclosure Board:

1. The Respondent shall pay a civil penalty in the amount of \$20 for failure to timely file a campaign disclosure report.
2. As a remedial action, Respondent shall repay the Iowa Ethics & Campaign Disclosure Board \$25.00 related to costs involved with this matter, including the drafting and mailing of correspondence and hearing costs.
3. The Respondent is admonished to exercise care in the future should he decide to be a candidate again, and the Board will expect full and complete compliance with the campaign laws.

Dated this 9th day of July, 2008

By: 
Gerald T. Sullivan, Presiding Officer

Pursuant to rule 351—11.26(1), within 14 days after the issuance of this proposed decision either party may serve a statement of exceptions with the proposed decision together with a brief and arguments. An exception shall be served by delivery of the original and five copies of each document to the Board office. A copy of all filings shall also be served on the opposing party. At the time of filing an exception, either party may request oral arguments. If oral arguments are not requested, the Board will rule on the arguments raised in the briefs. If exceptions are not filed concerning this matter the Board will automatically review this proposed decision. The Board's decision on review of a proposed decision is a final agency action. Pursuant to the provisions of 351—11.27, either party may apply for a rehearing from a final order of the Board.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Proposed Decision and Order of the Presiding Officer was sent by first class mail, address service requested, on July 9, 2008 to:

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